

LUELLA E. NELSON

Luella.Nelson@NAArb.Org

PMB 159 • 4096 Piedmont Avenue
Oakland, CA 94611-5221
(510) 658-4959 • FAX (510) 658-9423

4306 NE Mason Street
Portland, OR 97218-1737
(503) 503-281-8343 • FAX (503) 281-8493

PROFESSIONAL EDUCATION AND AFFILIATIONS

Harvard Law School, Cambridge, Massachusetts, J.D. 1976; **Macalester College**, St. Paul, Minnesota, B.S. *cum laude*, Economics and Political Science (Honors in Economics) 1973.

National Academy of Arbitrators (Technology Committee); **Bar Association of San Francisco**, Labor and Employment Law Section (Chair 2002-2004), ADR Section; **Oregon State Bar**, Labor and Employment Law Section (Chair 1999-2000), ADR Section; **Industrial Relations Research Association** (President 1998-99, Oregon Chapter); **State Bar of California**, Labor and Employment Law Section (Chair 1991-92); **Association for Conflict Resolution** (Vice President 1988-89, Board of Directors 1987-91, Northern California Chapter SPIDR); **American Bar Association**, Labor and Employment Law Section (Labor Arbitration and the Law of Collective Bargaining Agreements Committee; Committee on Development of the Law Under the NLRA), Dispute Resolution Section, Law Practice Management Section; **California Public Employee Relations Program** (Advisory Committee); **College of Labor and Employment Lawyers**; **Oregon Women Lawyers**; **Multnomah Bar Association**; **Professional Organization of Women in Employment Relations**

ARBITRATION/MEDIATION/LABOR RELATIONS EXPERIENCE

Arbitrator, Mediator, Factfinder, Special Master (1986-present). Neutral dispute resolution, primarily in labor and employment cases from panels, rosters and ad hoc appointments

Member of the Oregon Employment Relations Board (2003-2004). Administered statute governing employment relations in state and local government entities.

Counsel, Senior Counsel, and Field Attorney with the National Labor Relations Board in Washington, D.C., headquarters (1976-81) and Oakland, California, Region (1981-86). Drafted decisions, dissents, and speeches for Board Member; investigated intra-agency EEO charges; bargaining committee and shop steward, NLRBPA. Investigated unfair labor practice and representation cases at regional office; litigated and settled unfair labor practices; held elections and hearings.

Hearing Officer for UMWA Health & Retirement Funds, under settlement in *Blankenship v. Mine Workers Fund*, 82 LRRM 3071 (DC DC 1973). Counseled pension applicants; investigated appeals of pension denials; conducted eligibility hearings.

New York City Urban Fellow, City Commission on Human Rights. Investigated charges of discrimination in employment, housing, and public accommodations; drafted recruitment guidelines for architecture schools; drafted reorganization plan for Commission staff; organized hearings on Vietnam-era veterans.

PANELS • INDUSTRIES • ISSUES

AGENCY: AAA; FMCS; National Mediation Board; US Arbitration and Mediation; Oregon ERB; Washington PERC and MEC; California Mediation and Conciliation Service and PERB; Los Angeles City ERB; Nevada Labor Commissioner; Marin County Superior Court Panel of Mediators; U.S.D.C., Northern California, Federal Panel; Hearing Officer for Election Appeals, International Brotherhood of Teamsters Delegate and Officer Election; Office of Senate Fair Employment Practices; North American Agreement on Labor Cooperation; Marion County Appeals Panel; City of Portland (Oregon) Civil Service Hearing Officer.

PERMANENT PANELS: Kaiser Permanente/UFCW, Local 555; Pacific Bell/CWA; Simpson Paper/UIIU; Pope & Talbot/USWA; East Bay Hospitality Ind Assn/HERE Local 28; Parc Oakland Hotel/HERE Local 28; Santa Clara Hospitality Ind Assn/HERE Local 19; AT&T Mobility/CWA; Marion County/SEIU Local 503; Santa Clara County/SEIU Local 715; San Francisco/DPOA; State of Alaska/LT&C, Public Employees Local 71; Petersburg/Alaska Public Employees Assn; BART/ATU; AC Transit/ATU 192; SamTrans/ATU 1574; University of Cal/UPTE; University of Cal/AFT; Cal Teachers Assn/Cal Associates Staff; IRS/NTEU; FAA/NATCA; US Dept of Agriculture FSIS/AFGE; US Dept of Homeland Security/AFGE.

INDUSTRIES: Agriculture, airlines, automotive, bakery, cement, chemicals, communications, education, federal/state/local government, food, grain mill, health care, hotel/restaurant, insurance, interest (private and public sector), manufacturing, maritime, meat packing, nuclear energy, organizations, packaging, paint & varnish, paper, plastics, police & fire, printing & publishing, pulp & paper, retail stores, services, telephone, transportation, trucking & storage, utilities, warehousing

ISSUES: Absenteeism, alcohol/drug abuse, arbitrability, assignment, AWOL, benefits denial, COLA, contracting out, demotion, discharge, discipline, discrimination, executive compensation, fair share, grievance mediation, health and welfare, holiday/holiday pay, insubordination, interest, job classification, job evaluation, job posting/bidding, layoff/bumping/recall, management rights, mergers/consolidations, new/reopened contract terms, official time, overtime, past practice, pension, performance appraisals, promotions, rate of pay, reassignment, RIF, report/call-in/call-back, safety, scheduling, seniority, severance pay, sexual harassment, shift hours, sick leave, subcontracting, successorship, training, transfer, union access/security, union business, vacation/vacation pay, wages, work week change, working conditions, wrongful termination

FEE SCHEDULE

Grievance Arbitration: \$1,400 per day for hearing, research, analysis, and preparation of opinion and award. A hearing day is any portion of a day up to 8 hours. A day for research, analysis, and preparation of opinion and award is 4 to 8 hours; 1 to 4 hours are charged at half-day rates. No fee for the first hour of pre-hearing telephone conferences. All other time spent on pre- and post-hearing matters (e.g., telephone conferences, motions, review of documents, analysis and preparation of rulings) billed at \$250 per hour.

Mediation, Special Master, Interest Arbitration, and Non-Labor (Employment) Arbitration: \$450 per hour for all time spent (except first hour of pre-hearing or pre-mediation telephone conferences), with 4-hour minimum fee for each hearing or mediation session.

Travel: \$1,400 per day for grievance arbitration if one-way travel time from nearest office exceeds 4 hours. For all other services, \$200 per hour if one-way travel time from nearest office exceeds 2 hours.

Expenses: Actual cost for transportation, food, lodging, and incidental expenses. Mileage at 50¢/mile.

Cancellation Policy: If a hearing or mediation session is postponed or canceled within 28 days of the first scheduled day, per diem or 4-hour minimum, as applicable from above, for each scheduled day is charged unless the parties substitute another matter for the same day(s). For matters scheduled for 5 or more hearing days or mediation sessions, cancellation fee applies to scheduled day(s) removed from calendar at any time.

Billing Policy: Interim bills for fees and expenses after any hearing or mediation session lasting multiple days, between and after non-consecutive days on the same matter, and after days requiring air travel. Simple interest at 1.5% per month (18% per annum) may be added to accounts remaining unpaid after 30 days.

SELECTED MEDIATION TRAINING

Advanced Employment Mediation (5-day program co-sponsored by the Alliance for Education in Dispute Resolution and Cornell/PERC Institute on Conflict Resolution), November 5-9, 2001; Advanced Mediation (3-day program sponsored by the United States Arbitration & Mediation Service), January 2001

SELECTED PUBLICATIONS

Co-Author, *Did He Do It?: Employer Handbook "Just Cause" Meets the Collective Bargaining Agreement*, 17 LERC Monograph Series 17 (2003)
Contributor to *Discipline and Discharge in Arbitration* (BNA, 1998; 2000 supplement), and *The Developing Labor Law: the Board, the Courts, and the National Labor Relations Act*, Third Edition (BNA, 1992)
Editor, *Ask the Arbitrator* column, California Labor & Employment Law Quarterly (1997-99)
One Arbitrator's Thoughts on SB 1638, California Labor & Employment Law Quarterly, Summer 1994
Public Policy and Arbitration Awards -- The Continuing Saga, 84 CPER 10, March 1990
Vacating Arbitration Awards on Public Policy Grounds: The Continuing Saga, California Labor & Employment Law Quarterly, Summer 1990
The Case of the Missing Party: USCA Approves "Ex Parte" Arbitration, 76 CPER 11, March 1988

SELECTED SEMINARS • TEACHING

LERC PERC:

Just Cause: The 7 Tests Revisited (4/06); *Ask the Arbitrator* (4/05); *Leading ERB Cases of 2003-04* and *ERB Roundtable: Finality in Interest Arbitration* (4/04); *The PECBA at Twenty; Comments and discussion by a panel of arbitrators* (4/94)

Federal Mediation and Conciliation Service:

Ask the Grievance Arbitrator (3/06); *Ethics in Med/Arb* and "Ask the Arbitrator" (3/05); *Ethics in Arbitration and Mediation* (3/04); *Mental Health – The Bipolar Personality in the Workplace; Evidence After Discharge*; and "Ask the Arbitrator" (3/03)

Bar Association of San Francisco, Labor and Employment Law Section:

Ethical Standards for Contractual Arbitration (7/02); *Settlement's Toughest Challenges* (2/02)

Oregon Employment Relations Board: Arbitrator Immunity and Ethics (11/01)

State Bar of Oregon, Labor and Employment Law Section: Ethics in Mediation and Arbitration (10/01)

California School Employers Association:

Impasse Disputes under EERA: Mediation, Factfinding and Strikes (10/01)

CalPELRA Labor Relations Academy II: The Arbitration Process (1996, 1997, 2004, 2006)

CalPELRA Advanced Labor Relations Academy IV: Binding Interest Arbitration (2/01)

NPELRA Labor Relations Academy II: Grievance Arbitration in the Public Sector (3/00)

American Bar Association, Labor and Employment Law Section, Arbitration Subcommittee:

Privileges in Arbitration (2/98)

American Arbitration Association:

Arbitration Case Preparation and Presentation (2/96); *Evidentiary Issues in Arbitration* (3/91)

Oregon LERA:

Arbitration: Past, Present, Future: Grievance Mediation Workshop (10/97); *Ethics in Collective Bargaining: Building Trust in the Workplace* (9/96)

Third Oregon Governor's Conference on Labor-Management Cooperation (10/95)

State Bar of California, Labor and Employment Law Section:

Ask the Arbitrator (4/97); *Ethics for Labor and Employment Lawyers* (1/97); *Identifying Unconscious Bias in the Legal Profession* (5/93); *Binding Arbitration of Common Law and Statutory Employment Claims* (5/93); *IRCA for Employment Attorneys* (10/90); *Special Industry Issues: Banks and Other Financial Institutions* (10/89); *Employment Discrimination Update* (5/89)

State Bar of California, Section Education Institute:

Law of the Workplace for the Non-Specialist, Part I (11/93); *Gender Bias in the Law Firm* (5/93)

Northwest Alternative Dispute Resolution Conference: Public vs. Private Justice (9/92)

California Association of Affirmative Action Officers: Alternative Dispute Resolution (5/93)

State Bar of California, Annual Meetings:

Wrongful Termination: Alternatives to Litigation (9/89); *Wrongful Termination Update* (9/88)

California State University, Sacramento:

Conference on Labor-Management Relations: Dispute Resolution (1/89)

Instructor, **Golden Gate University**, Graduate School, Labor Relations, and CEBS (1987, 1988, 1990)